

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL BENJAMIN,

Plaintiff

v.

JUAN MORALES,
DENIS ENGLE,
KIM RHODES, and
KUTZTOWN UNIVERSITY

Defendants

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CIVIL ACTION NO. 15-2513

ORDER

AND NOW, this 11th day of March, 2016, upon consideration of the Motion to Dismiss Plaintiff's Complaint (Dkt. No. 9), which motion was filed by defendants on August 10, 2015;¹ upon consideration of Plaintiff's Response in Opposition to Defendants' Partial Motion to Dismiss (Dkt. No. 13) filed August 27, 2015; and upon consideration of the Reply in Further Support of Defendants' Motion to Dismiss Plaintiff's Complaint (Dkt. No. 14) filed on September 15, 2015; and for the reasons expressed in the foregoing Memorandum,

IT IS ORDERED that defendants' motion to dismiss is **GRANTED** in part and **DENIED** in part as follows:

1. The motion to dismiss is **GRANTED** insofar as the defendants seek to dismiss Count I of the Complaint.
2. The motion to dismiss is **GRANTED** insofar as the defendants seek to dismiss the Pennsylvania Human Relations Act ("PHRA") claims contained in Count II of the Complaint.
3. The motion to dismiss is **GRANTED** insofar as the defendants seek to dismiss any claims for punitive damages pursuant to §1983, Title VII, or the PHRA.

¹ A Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Complaint was filed in conjunction with the motion to dismiss. See Dkt. No. 9.

4. In all other respects, the motion to dismiss is **DENIED** without prejudice to raise the arguments therein in a motion for summary judgment after discovery has concluded.

IT IS FURTHER ORDERED that the defendants shall have fourteen (14) days from the date of this Order to file an answer to the Complaint.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN,
United States Magistrate Judge